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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 8, 2005

8:30 A.M.

(PAGES 5395 THROUGH 5446)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 5395

1 APPEARANCES OF COUNSEL:
2
3 For Plaintiff: THOMAS W. SNEDDON, JR.,
4 District Attorney -and-
5 RONALD J. ZONEN, Sr. Deputy District Attorney
6 -and- GORDON AUCHINCLOSS,
7 Sr. Deputy District Attorney 1112 Santa Barbara Street
8 Santa Barbara, California 93101
9
10
11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
12 -and- SUSAN C. YU, ESQ.
13 1875 Century Park East, Suite 700 Los Angeles, California 90067
14 -and-
15 SANGER & SWYSEN
16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
17 Santa Barbara, California 93101
18 -and-
19 OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
20 14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
21
22
23
24
25
26
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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
McMANUS, Adrian Marie (Cont’d)	5398-M	5434-Z	5441-M	
	5447-Z (Further)			
LeMARQUE, Phillip	5443-A			

Santa Maria, California
Friday, April 8, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
THE COURT: You may proceed, Counsel.
MR. MESEREAU: Thank you, Your Honor.

ADRIAN MARIE McMANUS
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Ms. McManus, your -- excuse me.
Ms. McManus, your deposition in the Chandler lawsuit was on December 7th, 1993, right?
A. Correct.
Q. And the Complaint you filed against Michael Jackson, along with Ralph Chacon, was December 2nd, 1994, a year later, approximately a year later, right?
A. I believe so.
Q. Okay. Would it refresh your recollection just to take a look at the Complaint?
A. Sure.
MR. MESEREAU: May I approach, Your Honor? 5398

THE COURT: Yes.
THE WITNESS: Okay. Yeah.
MR. MESEREAU: Thank you.
Q. Now, in that lawsuit, you were suing Mr. Jackson for a number of different claims, and one of the claims talked about you having appeared at a deposition taken by Larry Feldman, and the claim said that you were a potential material witness against Jackson in both the civil suit and a criminal investigation, right?
A. I believe so.
Q. And what that really meant was, by filing that Complaint with that language, you were essentially threatening Mr. Jackson that you would change your testimony unless you were paid, right?
A. I'm not familiar with a lot of attorney language, so I really don't know how to answer that.
Q. How much money do you recall you were seeking from Mr. Jackson in that lawsuit?
A. That's another question I cannot answer. That was dealing with my attorney.
Q. Well, you were in court when he argued to the Santa Maria jury for millions of dollars, right?
A. I don't even know if I was there at that time. I could have been. I don't remember.
Q. You certainly must have discussed with your attorney during that six-month trial how much money you were trying to get for yourself from Mr. 5399

Jackson, right?
A. Honestly, I don’t believe anybody knew how much money anybody would be getting out of a trial.
Q. But how much did you want?
A. I really didn’t want anything. I just wanted justice for what I had gone through.
Q. You didn’t want millions of dollars in that lawsuit?
A. I wanted justice. I didn’t -- whatever -- I wanted justice.
Q. But your idea of justice was millions of bucks, right?
A. Well, that’s not what I call justice.
Q. You file a lawsuit, you go through approximately eight days of depositions, all sorts of paperwork, and you’re in trial for six months. You wanted millions, right?
A. Honestly, a simple “Sorry for what we did to you” would have been great for me.
Q. Did you ever write a letter to Mr. Jackson saying, “Mr. Jackson, I don’t want to sue you. Just tell me you’re sorry”?
A. No, I did not.
Q. Ever call Mr. Jackson and say, “Mr. Jackson, I don’t really want to sue you. Just say you’re sorry”?
A. I didn’t have a number to contact Mr. Jackson. 5400

Q. Okay. When did you first go to the police to tell them you had seen anything improper about Mr. Jackson?
A. I can't recall the date. I don't remember.
Q. It was after your deposition in the Chandler case, correct?
A. It might have been.
Q. Do you know approximately when you first talked to anyone from the Santa Barbara Sheriff's Department about your claim that you'd seen Mr. Jackson do anything improper?
A. You know, it might have been when I talked to my attorney, Mr. Ring. It might have been sometime then, that I can recall.
Q. And when you did that, you thought going to the sheriffs would put pressure on Mr. Jackson to pay money in your civil case, right?
A. No, I did not.
Q. Did you go to the sheriffs with your attorney?
A. I don't believe so.
Q. But certainly you went to an attorney before anyone from law enforcement, right?
A. Actually, I recall going to law enforcement to com -- to complain about the death threat that I got from James Van Norman and strange circumstances that were going on at Neverland Valley Ranch.
Q. But that was also to bolster your claim for 5401

millions of dollars, right?
A. That was before I even contacted an attorney.
Q. But by doing that, you were setting the stage for a lawsuit for millions of dollars against Mr. Jackson, correct?
A. No, I was not.
Q. You went to tabloids, a lawyer, and the sheriffs, all to get millions of bucks, right?
A. You're wrong.
MR. ZONEN: Objection; compound.
THE COURT: The answer was, "You're wrong."
Overruled. Next question.
Q. BY MR. MESEREAU: Do you know Leslie Gomez?
A. No, I don't.
Q. Do you know she was the manager of McFrugal's?
A. I think I know her as Beaver. That's the name I think I'm thinking of.
Q. You told her you had never seen Michael Jackson act inappropriately with children, right?
A. I've never talked to her about Michael Jackson.
Q. You told Leslie Gomez that, "The suit by that kid," meaning Mr. Chandler, "was a bunch of bull," right?
A. I've never told -- I've never talked to her about anything to do with lawsuits or anything with 5402

Mr. Jackson.
Q. And do you know someone named Ludi Trujillo?
A. Yes, I do.
Q. Ludi Trujillo is your former boss at
Gottschalk's, right?
A. No, she was not.
Q. Who is she?
A. She's a girl that worked at Gottschalk's.
Just a lady.
Q. She didn't have any position above you?
A. No, she did not.
Q. Okay. You talked to her about the Chandler
lawsuit, didn't you?
A. No, I did not.
Q. She asked you specifically if Mr. Jackson
ever molested children, and you told her, "Of course
Michael did not," right?
A. No, I did not.
Q. You told her Michael Jackson was a great
boss, didn't you?
A. No, I did not.
Q. Do you know someone named Jamie Vail?
A. No, I don't.
Q. Didn't Jamie Vail live across the street
from you?
A. Where was this? I don't know the name.
Q. Okay. Do you remember telling someone named
Jamie Vail that you loved Michael Jackson, you love 5403

working at the ranch, and you never believed any of the charges against him?
A. I don't even know that person.
Q. Okay. Do you know who Gayle Goforth is?
A. Yes, I do.
Q. And who is Gayle Goforth?
A. She was a supervisor that worked at Neverland Valley Ranch.
Q. Do you remember Gayle asked you if there was anything to rumors about inappropriate conduct by Mr. Jackson?
A. She never -- we never talked about that, no.
Q. In the autumn of 1993, you told her there was no truth to those rumors about Mr. Jackson acting inappropriately, right?
A. No, I did not.
Q. Now, you and Ralph Chacon and Kassim Abdool started meeting secretly at Neverland to talk about your lawsuit, didn't you?
A. No, we did not.
Q. You and Ralph Chacon and Kassim Abdool began to meet at Neverland to discuss the possibility of selling stories to the media, right?
A. No, we did not.
Q. Did you ever discuss selling a story to the media with Ralph Chacon?
A. No, I did not.
Q. When you were working at Neverland, did you 5404

ever learn that Ralph Chacon was thinking of selling
any story about Michael Jackson to the media?
A. No.
Q. When did you first hear anything about Ralph Chacon's willingness to go to the media with information about Michael Jackson?
A. The only time that we all sold a story was when we were already in our lawsuit with Mr. Jackson, which was with Mr. Ring, our attorney.
Q. Now, at some point, you learned that Blanca Francia had sold a story to Hard Copy, correct?
A. Yes.
Q. She sold her information before you sold yours, right?
A. I don't recall when Bianca -- Blanca sold the story.
Q. Do you know someone named Charli Michaels?
A. Yes, I do.
Q. Who is Charli Michaels?
A. She was a security guard for Neverland Valley Ranch.
Q. Did you ever hear information that Charli Michaels was trying to sell a story about Michael Jackson to the media?
A. No, I did not.
Q. To date, have you ever heard anything about that?
A. No. 5405

Q. Ever have a discussion with Charli Michaels about the possibility of making money from information you'd learned at Neverland?
A. No. I only recall talking to Charli about her having sexual harassment with people at the ranch.
Q. Okay. So you and she never said anything about the possibility of making a buck from the media, correct?
A. No. No.
Q. Okay. Now, when you were at Neverland, you learned that security guards at the Encino home of the Jacksons on Havenhurst had sold stories for approximately $100,000, right?
A. No, I never heard that.
Q. You knew they had sold stories about Michael Jackson, didn't you?
A. No.
MR. ZONEN: I'm going to object as asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know someone named Francine Orosco?
A. Yes, I do.
Q. And who is Francine Orosco?
A. She was a maid for Neverland Valley Ranch.
Q. And at some point, she was a personal friend of yours, was she not? 5406

A. We became friends, yes.
Q. Now, you knew that she became a witness against your claims in the lawsuit, right?
A. Yes, I believe so.
Q. She said you were never sexually harassed by anybody, right?
MR. ZONEN: I'll object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Didn't you repeatedly tell Francine Orosco that Michael Jackson was innocent of any charge of molestation?
A. No, I did not.
Q. Do you remember telling Francine Orosco that you were going to get big-time money in your lawsuit against Michael Jackson?
A. No, I did not.
Q. And you tried to convince her to say that she had seen acts of sexual harassment involving you, right?
A. No, I did not.
Q. While you worked at Neverland, Francine Orosco visited you at home, did she not?
A. Maybe one time.
Q. And you showed her a room in your house filled with watches, posters, clocks, sunglasses, T-shirts and other items you had taken from Neverland, correct?
A. No.

Q. You showed her laundry baskets filled with Michael Jackson's clothes that you had taken from Neverland, right?
A. No, I did not.
Q. Do you remember one time at Neverland when a box of black felt hats came for Mr. Jackson?
A. I can't recall that.
Q. Do you remember that box of hats had Michael Jackson's name printed on the inside of the rim of the hats?
A. I know he had hats, but I don't recall the hats being sent there.
Q. Do you remember taking a hat and saying you were going to bring it home?
A. No.
Q. Now, you used to take food home from the theater, did you not?
A. Food, like what are you talking about? Dinners?
Q. Candy?
A. No.
Q. Never took bags of candy home?
A. There was a time when -- you say "take," you're saying like -- you're saying I'm just going to take it, that is not correct. There was a time when Gayle Goforth, a supervisor, went down to the theater and took a lot of the candy from there, because it was expired. 5408

She brought it back to the maids, the maids' room,
and she let all the maids take candy that was
expired. She also gave it to security. That was
the only time.
Q. So you never stole any candy from Michael
Jackson?
A. No, I did not.
Q. Do you remember around Christmastime when
you worked at Neverland, Mr. Jackson used to
purchase toys for needy children?
A. I believe he did.
Q. And they tended to be fairly expensive toys,
did they not?
A. I really don't know.
Q. You took some of those toys home, did you
not?
A. No, I did not. That was Janelle Wahl.
Q. Pardon me?
A. That was Janelle Wahl that would take that.
Q. You never took any Super Soaker guns home?
A. No, sir.
Q. Now, these are the kinds of things the jury
found that you had actually done, correct?
A. I don't believe so.
Q. Well, they found that you had stolen from
Mr. Jackson, correct?
A. I believe it was what they thought I had
stolen was that sketch that I found in the trash. 5409

Q. And you're saying you didn't steal that either, right?
A. I didn't. I found it in the trash.
Q. That's the sketch of Elvis?
A. Yes.
Q. You complained at Neverland that you should be paid more, right?
A. I don't believe I did.
Q. Never said that to anybody?
A. I don't recall saying that.
Q. Okay. And you say you left voluntarily, correct?
A. I left after the harassment and the death threats, yes.
Q. And then you filed a claim for disability with EDD, right?
A. No.
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Ralph Chacon stopped working at Neverland the same day you stopped, right?
A. I don't believe so.
Q. Kassim Abdool stopped working there the same day you stopped, didn't he?
A. I don't believe so.
Q. All -- excuse me.
Now, you sued someone named Bill Bray, 5410

1 correct?
2 A. Yes.
3 Q. And who is Bill Bray?
4 A. He was the -- how would you say it? Maybe
5 the top man for the Office of Special Services.
6 Q. You sued Betty Bailey, right?
7 A. Yes.
8 Q. And who was Betty Bailey?
9 A. She was maybe like his right hand.
10 Q. And you sued Mr. Jackson's personal security
11 people, right?
12 A. Yes, I did.
13 Q. You sued Jimmy Van Norman, right?
14 A. Yes, I did.
15 Q. Marcus Johnson, right?
16 A. Yes. Yes.
17 Q. Tony Coleman?
18 A. Yes.
19 Q. And Jerome J.J. Johnson, right?
20 A. Yes.
21 Q. And at some point you approached Mr. Johnson
22 about testifying for you, right?
23 A. No, I did not.
24 Q. Someone on your behalf did, right?
25 A. All I know is that I believe that, from what
26 I understand, he jumped onto our side and decided to
27 tell the truth about what was going on.
28 Q. And when you say he "decided to tell the 5411

1 truth," you dropped your suit against him, right?
2 A. I believe we did.
3 Q. And the jury didn't believe him either,
4 right?
5 MR. ZONEN: Objection.
6 THE COURT: Sustained.
7 MR. ZONEN: He never testified. Assumes
8 facts not in evidence that he testified.
9 THE COURT: I sustained your objection.
10 Q. BY MR. MESEREAU: Do you remember when Mr.
11 Johnson got in trouble for sending an extortion
12 letter to Mr. Jackson asking for three million
13 dollars?
14 A. I did learn of that through the later part
15 of my deposition, which I knew nothing about.
16 Q. At the point where you learned about Mr.
17 Johnson's $3 million extortion letter to Mr.
18 Jackson, were you working with him on your lawsuit?
19 A. No.
20 Q. You stole commemorative Pepsi cans from
21 Neverland, did you not?
22 A. No, I did not.
23 Q. You were accused of that, right?
24 A. No, I was not.
25 Q. Do you know someone name Peter Burt?
26 A. No, I do not.
27 Q. Never heard the name?
28 A. I've heard of the name, but I do not know 5412

him.
Q. Okay. You do know Sandie Domz, do you not?
A. Yes, I do.
Q. Who is Sandie Domz?
A. She was an office administrator, a secretary for Neverland Valley Ranch.
Q. You and the other plaintiffs in that lawsuit decided that she would go to the show Hard Copy to try and sell a story, correct?
A. Not that I ever recall.
Q. Are you saying that didn't happen, or you just don't remember?
A. That did not happen.
Q. So you never got together and said, "We'll split money that we could get from Hard Copy"?
A. No, I did not.
MR. SANGER: Inside Edition.
(Off-the-record discussion held at counsel table.)
Q. BY MR. MESEREAU: How much in total did Mr. Ring collect on your behalf from tabloids or media?
A. From what I recall from my deposition, which there were stubs in my deposition, that showed, I'm thinking, maybe 32,000.
Q. Okay. Did any of that go to you?
A. 1,000.
Q. Now, you spent days being interviewed by a book author named Mr. Gutierrez, right? 5413

A. Days being interviewed?
Q. Yes.
A. No.
Q. Were you interviewed by a book author named Mr. Gutierrez?
A. I never was interviewed, but I did meet with him.
Q. And approximately when did you meet with him?
A. You know, I cannot recall the date.
Q. Well, you certainly had a discussion with him about the fact that he was writing a book, didn't you?
A. No, I did not.
Q. So when you met with him, you didn't know he was writing a book?
A. No, when I met with him, he was going to try to help us in our lawsuit.
Q. Did you ever learn he was writing a book about Mr. Jackson?
A. I never -- I don't recall him saying that he was writing a book. I don't remember that.
Q. Did you give him information about Mr. Jackson?
A. Um, later I did.
Q. When you first talked to the Santa Barbara Sheriffs, you didn't tell them about inappropriate behavior you'd seen by Mr. Jackson, correct? 5414

A. Probably not.
Q. You waited to say that in your lawsuit,
correct?
A. I don't recall.
Q. Going back to your deposition in the
Chandler suit - okay? --
A. Uh-huh.
Q. -- you were asked if you'd ever seen Wade
Robeson at the ranch without one of his parents, and
you said, "No," right?
A. I don't -- I have not gone over that, so I
do not recall what I've said or --
Q. Would it refresh your recollection to just
take a look at the page?
A. Yeah.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to
look at that page?
A. Yes.
Q. Does it refresh your recollection about what
you said under oath in that deposition?
A. Yes.
Q. And on that issue, what did you say?
A. "No."
Q. You said you had never seen Wade Robeson at
the ranch without one of his parents, right? 5415

A. Correct.
Q. You were asked if you had ever seen Brett Barnes' clothes in Mr. Jackson's bedroom, right?
A. If it's there. Like I said, I have not gone over that.
Q. And your response was sometimes his mother would give you his clothes to wash, right?
A. Yeah, probably.
Q. Is that what you remember saying?
A. Like I said, I have not gone over that in probably ten years.
Q. Would it refresh your recollection to just take a look at that page?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at that page?
A. Yes, I did.
Q. Does it refresh your recollection about what you said?
A. Yes.
Q. And you said that his mother would give you his clothes, correct?
A. Correct.
Q. You didn't see his clothes in Mr. Jackson's bedroom, right?
A. Um -- 5416

Q. Excuse me, at that point in time, you said you didn't see his clothes in Mr. Jackson's bedroom, his mother would give you his clothes, correct?
A. Correct.
Q. You also said you'd never seen any of the Culkin boys' clothes in Mr. Jackson's bedroom, right?
A. If it's there, that's probably what I said at that time.
Q. Let me just go back a little bit. You said that you saw Macaulay Culkin and his brother at Neverland, right?
A. I probably did.
Q. Would it refresh your recollection to look at that page?
A. Sure.
MR. MESEREAU: Okay. May I approach?
THE COURT: Yes.
THE WITNESS: Okay. Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page?
A. Yes, I did.
Q. Does it refresh your recollection about what you said on that topic?
A. Yes.
Q. You said that you had never seen the Culkin boys' clothes in Mr. Jackson's bedroom, right?
A. Yes. 5417

Q. You also told Mr. Feldman that you had never come to Mr. Jackson's room in the morning and seen anything that indicated somebody may have slept on his floor, right?
A. I don't recall. Sorry.
Q. Would it refresh your recollection to look at that page?
A. Sure.
MR. MESEREAU: May I, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
MR. MESEREAU: Thank you.
THE WITNESS: Uh-huh.
MR. MESEREAU: Have you had a chance to look at that?
A. Yes.
Q. Does that refresh your recollection about what you said?
A. Yes.
Q. And what did you say?
A. "No."
Q. Do you remember testifying that Mr. Jackson had never given you money?
A. I don't recall that. I don't --
Q. Did Mr. Jackson give you money from time to time?
A. No. There was just one time.
Q. Okay. And that was when you told the jury 5418

that you got 300 bucks to lie in a deposition?
A. That --
MR. ZONEN: Objection; misstates the
testimony of the witness.
MR. MESEREAU: Let me rephrase that.
Q. Did you tell the jury that Mr. Jackson gave
you $300 to lie in a deposition?
MR. ZONEN: Objection; misstatement of
evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: What I said was the $300 was
given to me after Mr. Jackson had read the
transcripts of Jordie Chandler.
Q. BY MR. MESEREAU: Okay. And you interpreted
that as a token of his appreciation?
A. Yes, for covering up for him.
Q. Okay. 300 bucks?
A. Yes.
Q. Okay. Do you remember being asked if you'd
ever seen a woman in Mr. Jackson's bedroom?
A. I can't recall that.
Q. You said you had seen June Chandler in his
bedroom, right?
A. I believe to bring in Jordie's clothes.
Q. Well, let me just go step by step. You
testified under oath in the deposition that you had
seen June Chandler in Mr. Jackson's bedroom, right? 5419

A. To bring in his clothes, yes.
Q. You said you had never seen Mr. Jackson and June Chandler in any romantic relationship, right?
A. Correct.
Q. You weren't aware of her sleeping with Mr. Jackson, right?
A. No.
Q. But you saw her in his room?
A. To bring in the clothes, yes.
Q. Well, you didn't say "to bring in the clothes" in the deposition, right?
A. I don't know what's in the deposition.
Q. Would it refresh your recollection to look at that page?
A. Sure.
MR. ZONEN: I'll object as irrelevant and hearsay.
MR. MESEREAU: I think the prosecution raised the issue of what was happening in that bedroom.
THE COURT: I'll allow you to refresh her recollection.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page of your deposition?
A. Yes, I did. 5420

Q. Does it refresh your recollection about what you said about June Chandler being in Mr. Jackson's room?
A. Yes.
Q. You said you had seen June Chandler in his room, right?
A. Yes.
Q. You didn't explain it in terms of her coming there for clothes, or with clothes, right?
A. I guess not, no.
Q. You testified that you had seen Jordie Chandler and Michael Jackson together outside on a Jet Ski in the water, right?
A. I probably did.
Q. Do you remember that?
A. Slightly.
Q. You indicated you had seen Mr. Jackson in water balloon fights and squirt gun fights, right?
A. I believe so.
Q. And you saw that once in a while, didn't you, while you worked there?
A. Yes.
Q. He would do that with kids all the time, wouldn't he?
A. Yeah, sometimes.
Q. Was it your impression that Mr. Jackson liked water balloon fights?
MR. ZONEN: I'll object as speculative. 5421

THE COURT: Sustained.
Q. BY MR. MESEREAU: You said you had never seen Mr. Jackson hold hands with anyone at the ranch, right?
A. I don't recall that.
Q. Could I refresh your recollection --
A. Sure.
Q. -- by showing you the page?
A. Sure.
MR. MESEREAU: May I, Your Honor?
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that page?
A. Yes, I did.
Q. Does it refresh your recollection about what you said?
A. Yes.
Q. You said you'd never seen Michael Jackson hold hands with anybody at the ranch, right?
A. Correct.
Q. Okay. Now, there was approximately a one-year period between this deposition and the actual filing of your lawsuit against Mr. Jackson, right?
A. Are you talking about Jordie Chandler?
Q. Well, approximately a one-year period between your deposition in the Chandler case and the 5422

filing of your lawsuit, correct?
A. I believe so.
Q. Now, the Chandler deposition was in December, and the next December you filed your lawsuit, right?
A. I know the Chandler one was probably December 7th of -- oh, gosh, I don't know if it was '93 or '94. I don't -- I'm not -- I don't know the dates.
Q. Okay. We talked about a little earlier that December 7th, 1993, is the deposition in the Chandler case.
A. Okay.
Q. And your lawsuit is December 2nd, 1994?
A. Okay.
Q. Okay?
A. Yes.
Q. Now, how long after the Feldman deposition in the Chandler case did you to go a lawyer to talk about suing?
A. I don't know how long after it was. I just -- I know I left Neverland in the end of July of '94. It might have been -- I don't even want to guess because I'm not real -- I'm not sure.
Q. You must have had a lot of meetings with Mr. Ring before you actually finalized the lawsuit, right?
A. I believe so. 5423

Q. And do you know roughly when that started?
A. You know, in my head, I don't know why I keep thinking 1995, but I don't know.
Q. For how many months do you think you and Ralph Chacon and Kassim Abdool met with Mr. Ring before the action was filed?
A. I really can't answer that, because I really don't know.
Q. Approximately when did you stop working at Neverland?
A. The exact date -- my last day, I believe, was July the 31st of '94.
Q. Do you recall participating in an Inside Edition show?
A. I believe so.
Q. And when did you participate in a show about Mr. Jackson for Inside Edition?
A. I believe that had to do when we contacted Gary Morgan. That was all around the same time, so our lawsuit had already been going on.
Q. Do you remember meeting with representatives of Inside Edition?
A. I remember -- I remember those -- the people from Inside Edition showing up at our attorney's office, so I guess, yeah.
Q. Did you meet with them with your lawyer?
A. Yes.
Q. And was Ralph Chacon in that meeting? 5424

A. You know what, I really can't recall.
Q. Was Kassim Abdool in that meeting?
A. I don't want to say yes, because I can't recall.
Q. But the subject was Mr. Jackson, right?
A. Yes, it was.
Q. Do you remember trying to sell information about Mr. Jackson's relationship with Ms. Presley?
A. There could have been something of that. Possibly, yes.
Q. You say, "Possibly, yes"?
A. Yeah.
Q. Well, I mean, you were actually trying to get money from tabloids in return for your giving them personal information about Mr. Jackson's relationship with Miss Presley, right?
A. We were trying to get money to help with our lawsuit to fight Mr. Jackson.
Q. Do you recall ever going to anyone in the media and telling them you had inside information on Mr. Jackson's relationship with Miss Presley?
A. I don't recall that.
Q. Okay. Do you recall ever giving information to anyone in the media involving Miss Presley and Mr. Jackson?
A. I believe we probably did with Gary Morgan.
Q. And he was your media broker, wasn't he?
A. I believe so. 5425

Q. He was the one that you were using and Ralph Chacon was using to find media outlets to sell information to, right?
A. I believe so.
Q. Okay. And you met him through Attorney Ring; is that correct?
A. Yes.
Q. Okay. Did you ever see any tabloids that quoted you about Mr. Jackson?
A. I -- I could have.
Q. You're not sure?
A. I'm not real, real sure.
Q. Did you ever see any tabloids that quoted you about Mr. Jackson's relationship with Miss Presley?
A. I could have. It's been a long time. I kind of can't remember.
Q. Do you remember Star magazine asking you to sign a contract whereby you would give them information about Mr. Jackson and his relationship with his wife, Lisa Marie Presley?
A. I remember something to do with Gary Morgan and something with Star, but I don't remember everything that was discussed with that.
Q. Might it refresh your recollection if I just show you that document?
A. Sure.
MR. MESEREAU: May I, Your Honor? 5426

THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that document?
A. Yes.
Q. Does it appear to be a contract with Star magazine?
A. Yes.
Q. And you signed that, correct?
A. Yes.
Q. Okay. And among other things, you agreed to provide information about Mr. Jackson's relationship with Lisa Marie Presley, right?
A. I believe so.
Q. And Ralph Chacon signed that, did he not?
A. I believe so.
Q. Now, you've heard the name Splash, correct?
A. Correct.
Q. And who was Splash?
A. I really -- all I know about Splash is that it was linked up with Gary Morgan, so I don't know a lot of this tabloid stuff. I don't know.
Q. Well, Splash was an agency, was it not, that was retained by you to find media sources, right?
A. If it was retained, it would have been with Michael Ring, my attorney.
Q. Okay. You signed an agreement with Splash News and Picture Agency, right? 5427

A. I believe so.
Q. And was your involvement with Splash always
through Mr. Ring?
A. Yes.
Q. Did you ever deal with Splash directly?
A. No, I did not.
Q. How long were you working with Splash?
A. I have no idea. I don't know the dates.
Q. At some point -- at some point did your
relationship with Splash end?
A. I'm sure it did.
Q. Okay. Do you know approximately when?
A. No, I do not.
Q. Were you giving information to any tabloids
or media sources during your trial?
A. Only through Splash.
Q. And that went on during the trial, right?
A. Probably sometime during the trial, yes.
Q. Do you recall trying to sell what you called
"Mr. Jackson's sex secrets"? Do you remember that?
A. I know something was written about that, but
I know sometimes tabloids write other stuff that
they like to put in, so I don't know.
Q. You were quoted in an issue of Star magazine
titled "Five of His Closest Servants Tell All.
Kinky Sex Secrets of Michael and Lisa Marie's
Bedroom," right?
A. I don't believe I said that. 5428

Q. Have you seen that article before?
A. I did during my deposition.
Q. Was that the first time you'd ever seen this article?
A. Yes.
Q. You are quoted in the article, correct?
A. I don't know. I could be. I don't know.
Q. Would it refresh your recollection if I just show you --
A. Sure, you can.
MR. MESEREAU: May I, Your Honor?
THE COURT: Yes.
THE WITNESS: Kind of hard to see that. Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that article?
A. Yes.
Q. Does it refresh your recollection about you being quoted in that article?
A. Yes.
Q. You were going to tabloids and saying that you were the only person with a key to Mr. Jackson's bedroom and you had information to sell, right?
A. Um, as I've said, I know we did interview -- the interview with Gary Morgan. But a lot of the times with those tabloids, those tabloids write other stuff and put it in there, and it makes it look like I said it, when I didn't say it. So I 5429

don’t know how to answer that.
Q. Well, did he have authorization from you to quote you with various tabloids?
A. You know what, that’s where I don’t know. He was dealing with Michael Ring, so I really don’t know. I kind of got stuck in the middle.
Q. Well, at some point you must have known that your quotes were appearing in tabloids regarding Mr. Jackson, true?
MR. ZONEN: Assumes facts not in evidence that there were quotes.
THE COURT: Sustained.
Q. BY MR. MESEREAU: During the time you were represented by Attorney Ring, did you learn from time to time that your name and various quotes about Mr. Jackson were appearing in the media?
A. Just through the Gary Morgan deal. That’s all I recall.
Q. What I’m trying to find out is this: Did you sort of leave it to other people to sort of quote you when they wanted in the media?
A. Actually, sometimes you have no control over what people quote you in the media.
Q. But you’re not saying you had nothing to do with these quotes, are you?
A. I can’t answer that, because I don’t know what was quoted.
Q. Okay. You never learned? 5430

A. No. Huh-uh.
Q. During your trial with Mr. Jackson, were you speaking to various newscasters?
A. Only Gary Morgan is all that I recall, and when we met with Victor Gutierrez, and that was it.
Q. Would he arrange meetings for you?
A. Victor Gutierrez?
Q. No, Mr. Morgan.
A. I believe he might have, through Mr. Ring.
Q. Was it -- let me rephrase that.
Was it typical during your relationship with Mr. Morgan that he would fax a story to you to have you review it, and ask you to see if you wanted any changes, and then you would fax it back?
A. What I recall is viewing one -- I don't know what you call it, I don't know if it was a transcript, and that's the only thing I remember seeing.
Q. Did the group used to meet with Mr. Morgan?
A. The only time we all met was with Mr. Ring at his office.
Q. And you had a number of meetings with Mr. Ring, Mr. Morgan, and the group that was suing Michael Jackson, true?
A. Maybe two meetings that I can recall.
Q. And Ralph Chacon was at those meetings, right?
A. He might have been at one. I don't know if 5431

1 he was at all of them.
2 Q. When did you last talk to Ralph Chacon?
3 A. It's been a while. I don't know, maybe -- I
4 really can't -- it's been a while.
5 Q. When did you last talk to Kassim Abdool?
6 A. Actually, the last time I spoke with Kassim
7 was during our verdict, when we lost, and I have not
8 seen him since.
9 Q. How about Melanie Bagnall?
10 A. I see her off and on.
11 Q. Do you recall your being quoted in any
12 Australian newspapers about Mr. Jackson's private
13 life?
14 A. No.
15 Q. Was it your understanding that Mr. Morgan
16 was going to try and use your quotes in foreign
17 newspapers about Mr. Jackson?
18 A. I have no idea.
19 Q. How many television shows do you think you
20 appeared on where you purported to give private
21 information about Michael Jackson?
22 A. The only thing that I can recall that I
23 appeared on was maybe with Inside -- I think it was
24 Inside Edition. There wasn't an interview with me,
25 but I think they captured me walking, maybe, with --
26 I don't know if it was Kassim.
27 Q. Do you recall meeting with any
28 representative of the media while you worked at 5432

Neverland?
A. No.
Q. And you're telling the jury that you never had any discussion with any employee while you worked at Neverland about what you could make by selling a story?
A. The only thing I recall when I worked at Neverland was one of the maids, Francine Orosco, had contacted the media. I don't know if it was -- it was one of the tabloids and they had offered her $2,000, and she was going to come out and talk, but they wanted her picture. And she was considering doing that. That's the only thing I ever remember with that.
Q. Finally, when did you last talk to anyone representing any media outlet about Mr. Jackson?
A. I have not interviewed with anybody about Mr. Jackson.
Q. I don't mean an interview. I mean when have you last spoken with anyone who purported to represent the media?
A. I haven't really been talking to anybody about anything in the -- with the media.
Q. Has anyone called you from the media?
A. I did get a call from somebody from London at my job, and they wanted to interview, and I told them no.
Q. When was that? 5433

A. Maybe about -- within the last week.
Q. And you didn't interview because there is a court order in this case that you're not allowed to do that if you're a witness, right?
A. That's correct.
Q. Did you agree with them that on a future date you may speak to them?
A. I told them that I was not interested in doing any interviews, that I was under a gag order.
MR. MESEREAU: No further questions at this time.
THE COURT: Redirect?

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Mr. Mesereau asked you some questions about an article that was in a tabloid that quotes you as saying that you have all kinds of information about kinky sex secrets between Michael Jackson and Lisa Marie Presley. He showed you that article and asked you if it refreshed your recollection as to whether there was, in fact, such an article, and you said yes, it refreshed your recollection as to that article.
About the quotations in the article, are they accurate?
A. No, they are not.
Q. Did you ever give information about kinky 5434

1 sex secrets between Michael Jackson and Lisa Marie
2 Presley to any publication, any media, or any
3 reporter?
4 A. No, never.
5 Q. Do you, in fact, have information of kinky
6 sex secrets between Michael Jackson and Lisa Marie
7 Presley?
8 A. No, I do not.
9 Q. Have you ever seen Michael Jackson with Lisa
10 Marie Presley?
11 A. How do you mean, “seen”?
12 Q. Was she at the ranch during the period of
13 time that you were there?
14 A. Yes, she was.
15 Q. Were they married during that time?
16 A. No.
17 Q. Were they visiting one another?
18 A. I believe so.
19 Q. Do you have any information at all that Lisa
20 Marie Presley ever stayed with Michael Jackson in
21 his room?
22 A. No.
23 Q. Did you ever see any woman stay with Michael
24 Jackson in his room in the four years you worked for
25 him?
26 A. No, I did not.
27 Q. You stated in the deposition that you had
28 never seen Michael Jackson hold hands with anyone. 5435

Is that a correct statement?
A. No.
Q. Have you seen him holding hands with people?
A. Yes.
Q. Who?
A. Brett Barnes. The children that were at the ranch.
Q. You told Mr. Feldman during the deposition that you had never come into Mr. Jackson's room and seen evidence that somebody had slept on the floor. Was that, in fact, a correct statement?
A. That's correct.
Q. In fact, during the time that you had worked there, you had never seen any evidence that someone had slept on the floor?
A. Correct.
Q. You told Mr. Mesereau about June Chandler unpacking clothing in Mr. Jackson's bedroom. Did that, in fact, happen?
A. Yes, it did.
Q. Explain that to us, please.
A. June Chandler had gone into Mr. Jackson's room and brought in suitcases of Jordie Chandler's clothes, since he was staying with Mr. Jackson in his bedroom.
Q. I guess that begs the question, Miss Chandler obviously knew that her son was sleeping in that room, correct? 5436

A. Yes.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Argumentative; sustained.
Q. BY MR. ZONEN: Did she do this on more than one occasion?
A. I believe so.
Q. Was there a dresser or a drawer set up for Jordie's clothing?
A. No. The clothes would just get put anywhere in the room.
Q. Were there any -- was there any occasion that you saw June Chandler in Michael Jackson's room when she was not attending to her child's clothing?
A. Not that I can recall.
Q. You testified in the deposition that you had not seen Wade Robeson on the property without a parent. Was that a correct statement?
A. I'm sorry, you lost me.
Q. Had you ever seen Wade Robeson at Neverland without a parent?
A. No.
Q. Who was the parent that was always there?
A. His mother.
Q. And you never met the father?
A. No.
Q. Your initial conversations with the sheriff's office, were they at a time that you were 5437

still employed at Neverland Ranch?
A. Yes.
Q. You testified in the deposition that Brett Barnes' mother would bring you his clothes to wash. Was that, in fact, true?
A. At times that was true.
Q. Was that always the manner in which you washed his clothes?
A. No.
Q. In what other ways would you be washing his clothes?
A. If they were left in Mr. Jackson's room, I would take them and wash them along with Mr. Jackson's clothes.
Q. You have testified in the Chandler deposition that you never saw Jordie and Michael Jackson in his bedroom together. Was that a correct statement?
A. No, it was not.
Q. Had you seen the two of them together in the bedroom?
A. Yes.
Q. On more than one occasion?
A. Yes.
Q. Had you ever seen them in bed together?
A. Not in bed, no.
Q. You testified that you never saw Brett Barnes sleep in the bedroom with Michael Jackson. 5438

You testified to that in the deposition, the
Chandler deposition. Was that a correct statement?
A. No, it was not.
Q. Had you, in fact, seen Brett Barnes sleep in
a bedroom with Michael Jackson?
A. He was staying with Mr. Jackson.
Q. Did you ever actually see either Michael
Jackson or Brett Barnes in bed in Michael Jackson's
room?
A. One morning I might have seen them in bed,
yes.
Q. Do you have a recollection of that?
A. Yes.
Q. What did you see?
A. I brought breakfast and they were sitting in
the bed.
Q. Both of them together?
A. Yes.
Q. Do you recall how they were dressed?
A. I don't recall.
Q. Were they in the bed, under the covers,
or --
A. Yes.
Q. They were in the bed under the covers?
A. Yes.
Q. You testified that you never saw Jordie
Chandler either get ready for bed or get up in the
morning. Were either of those statements true? 5439

A. Yes.
Q. Both of them?
A. Yes.
Q. You testified that you never saw a chimp in his bedroom. Was that statement true?
A. No.
Q. In fact, you'd been bitten by a chimp in his bedroom; is that true?
A. Yes.
Q. Did you used to clean up after the monkeys?
A. Yes.
Q. Did you ever have to change their diapers?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. ZONEN: Did you ever have to clean up monkey droppings on the floors?
A. Not on the floor. Just on the walls.
Q. On the walls?
A. Sometimes monkeys get wild.
Q. You actually have to clean up their --
A. Yes.
Q. -- mess on the walls?
A. Yes.
Q. You testified that you had never seen Jordie and Michael Jackson in the Jacuzzi. Is that a correct statement? 5440

A. Yes.
Q. You had testified yesterday that you had testified in the Chandler lawsuit that you had no problems leaving your son with Michael Jackson. Was that true?
A. No.
Q. Were you, in fact, concerned about your son and Michael Jackson?
A. Yes, I was.
Q. Did you ever see Michael Jackson with your son behave in a way that concerned you?
A. Yes.
Q. What did he do?
A. Mr. Jackson would rub his fingers through my son's hair.
Q. Did that concern you at the time?
A. A little bit, yeah. I was a little upset.
MR. ZONEN: I have no further questions.
MR. MESEREAU: Very briefly.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. You tried to sell a story to a tabloid about Mr. Jackson putting his fingers through your son's hair, didn't you?
A. No, I did not.
Q. You tried to sell stories to tabloids about your son's experiences at Neverland, correct? 5441

A. No, I did not.
Q. Do you recall Mr. Jackson living at Lisa Marie Presley's home during the week, and Lisa Marie Presley visiting on weekends during the time that you worked at Neverland?
A. No.
Q. You saw her there?
A. Yes, I did.
Q. Okay. Did you ever see Brooke Shields there before Lisa Marie Presley?
A. Yes, I -- I saw Brooke Shields, but I don't know if it was before.
MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Where did Brooke Shields stay when she stayed at Neverland Ranch?
A. In a guest unit.
MR. ZONEN: No further questions.
MR. MESEREAU: No further questions.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you.
THE COURT: Call your next witness.
MR. MESEREAU: Witness be subject to re-call, Your Honor?
THE COURT: Yes. 5442

MR. AUCHINCLOSS: Phillip LeMarque would be our next witness, Your Honor.
THE COURT: Remain standing. Raise your right hand. Face the clerk here.

PHILLIP LeMARQUE
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Phillip LeMarque. P-h-i-l-l-i-p; LeMarque, L-e-M-a-r-q-u-e.
MR. MESEREAU: Excuse me, Your Honor. I think we have that issue that was raised.
THE COURT: That doesn't come up until your exam.
MR. MESEREAU: Okay.
THE COURT: Go ahead.
MR. AUCHINCLOSS: All right.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. LeMarque. Where did you work in 1991?
A. At the Neverland Valley.
Q. And who was your employer?
A. Michael Jackson. 5443

Q. Is he the man seated to my right?
A. Yes.
Q. How long did you work at Neverland?
A. Oh, somewhere around ten months or more.
Somewhere like that.
Q. And what did you do at Neverland?
A. Was in charge of the food. Majordomo of the
food. And my wife was the cook.
Q. All right. What do you mean by "majordomo
of the food"?
A. Well, in charge of serving the food and
preparing and organizing for the guests and so
forth.
Q. And you said your wife also worked there at
the same time?
A. That's correct.
Q. Where did you live while you were living --
or while you were working at Neverland?
A. We were living at the ranch.
Q. Whereabouts at the ranch?
A. It was a house which is maybe -- was by the
zoo.
Q. Were you involved in serving the food as
well as preparing it?
A. Yes.
Q. And you said you left your employment there
after about ten months?
A. Yes, somewhere around ten months. 5444

Q. Why did you leave Neverland? Why did you leave the employment there?
A. There was an issue happening with Norma Stakos, who was Michael's private secretary.
THE COURT: All right. We're going to take a break.
MR. AUCHINCLOSS: All right. We have a morning break.
(Recess taken.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5398 through 5445 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 8, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 8, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 8, 2005

8:30 A.M.

(PAGES 5447 THROUGH 5515)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 5447

1 APPEARANCES OF COUNSEL:
2
3 For Plaintiff: THOMAS W. SNEDDON, JR.,
4 District Attorney -and-
5 RONALD J. ZONEN, Sr. Deputy District Attorney
6 -and- GORDON AUCHINCLOSS,
7 Sr. Deputy District Attorney 1112 Santa Barbara Street
8 Santa Barbara, California 93101
9
10
11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
12 -and- SUSAN C. YU, ESQ.
13 1875 Century Park East, Suite 700 Los Angeles, California 90067
14 -and-
15 SANGER & SWYSEN
16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
17 Santa Barbara, California 93101
18 -and-
19 OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
20 14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
21
22
23
24
25
26
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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
LeMARQUE, Phillip	5470-M	5493-A	5495-M	
	5498-A	5499-M		
	(Further)	(Further)		

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3 PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
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5 801 Photograph of arcade 5460 5460
6 802 Handwritten Statement by
7 Phillip LeMarque 5495 5495
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(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel? Did you wish to address me?

MR. MESEREAU: Yeah, Your Honor. I believe the prosecutor filed a memorandum this morning regarding impeachment of this witness.

THE BAILIFF: No one can hear you.

MR. MESEREAU: Oh, I'm sorry. Your Honor, the prosecutor filed a pleading this morning regarding impeachment of this particular witness.

THE COURT: Yes.

MR. MESEREAU: And he has, as I understand it, requested that the defense not mention the fact that this witness has been in the --

MR. AUCHINCLOSS: I'll ask --

MR. MESEREAU: -- the pornographic website business.

MR. AUCHINCLOSS: May I object, and just ask that the Court -- the Court is aware of the issues. I don't think it's necessary to publish them.

THE COURT: That's true. He did -- not in the terms you just stated. For once you want to use "pornographic" when no one else wants to. It was the other way around 5451

recently.
But what -- your point being?
MR. MESEREAU: Your Honor, we can prove that this witness tried to use tabloid stories about Mr. Jackson --
THE COURT: What's your argument against his position? I understand what you can prove. I think his position is well-taken. What's your argument?
MR. MESEREAU: My argument is that what we would like to show, Your Honor, is that he tried to use information allegedly about Mr. Jackson to get into this business.
THE COURT: All right. I'll sustain his objection. You cannot impeach him based on the work he did on that --
MR. MESEREAU: Website?
THE COURT: -- website after these incidents.
All right. Bring in the jury.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead, Counsel.
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. LeMarque, where we left off, we were talking about the reasons that you left your employment at Neverland. 5452

A. The reason, there was some problem with
Norma Stakos, who was Michael's secretary.
Q. What was that problem?
A. She wanted to have my wife to sign an
affidavit stating that Bianca had been involved into
looking into purses of other maids. And since my
wife didn't see it, she didn't want to sign it.
Q. When you say Bianca was her name, do you
know what her last name was?
A. No, I forgot.
Q. Did she have a different first name; do you
know?
A. Not that I remember.
Q. Okay. And what was this woman Bianca's --
what was her job at Neverland?
A. She was the private maid for Michael. She
was the only one who could enter his room.
Q. So the affidavit that your wife was asked to
sign was a false affidavit?
A. Well, it was false as far as my wife was
concerned, because she never saw Bianca looking into
any purses so --
Q. Did she believe that Bianca looked into any
purses?
A. No, of course she didn't believe it.
Q. Okay. And how much time transpired between
the time that your wife was asked to sign this false
affidavit and the time that you were asked to leave 5453

Neverland?
A. We were -- we were not asked, really, to leave, but we had a conference with Norma a few days later, maybe three or four days, and Norma said I guess --
MR. MESEREAU: Objection; hearsay, Your Honor.
THE COURT: Sustained.
MR. AUCHINCLOSS: Offered to explain conduct only.
THE COURT: The question was how much time transpired between the signing of the affidavit, so it's not responsive to the question.
MR. AUCHINCLOSS: That's fine.
Q. So let's go back to that first question.
How much time between the time that you -- that your wife was asked to sign the false affidavit and the time that you actually left your employment at Neverland?
A. I would say four or five days.
Q. Okay.
A. Maybe a week. I don't know.
Q. And were you terminated from your employment?
A. No, we came into --
Q. That's just a "yes" or "no" question.
A. Yes.
Q. You were terminated? 5454

A. (Nods head up and down.)
Q. Okay.
A. No. Yes and no.
Q. Yes and no. Okay. That's fine.
A. Common agreement.
Q. Why do you say, "Yes and no"?
A. Because it was a common agreement that we decided, since we didn't want to sign the affidavit, that was not a place for us to work.
Q. Okay. While you were at Neverland during that ten-month period, did you observe Mr. Jackson to have child visitors?
A. Yes.
Q. Would these children spend the night at Neverland?
A. Some of them, yes.
Q. Would any of them come with families?
A. Yes.
Q. Would any of them come by themselves?
A. I think on one occasion I saw.
Q. Did you notice whether or not Mr. Jackson would spend time equally with all the child visitors at Neverland?
A. No.
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did Mr. Jackson show any special preference towards the children that 5455

visited him at Neverland?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. Yes.
Q. And was there anything in common that -- the children that Mr. Jackson showed preference to, was there anything in common that these children shared?
A. Yes.
Q. What was that?
A. Little boys around 10, 11 years old.
Q. How would Mr. Jackson show preference to these 10- or 11-year-old boys?
A. He would spend most of his time with them.
Q. Would he ever buy them gifts?
A. Yes.
Q. Did he buy them more gifts than the other children?
A. Yes.
MR. MESEREAU: I'm going to object. No foundation; move to strike.
MR. AUCHINCLOSS: I can ask some additional questions on that.
THE COURT: On the question that he objected on, did he buy them more than any other children, I'll sustain the foundation.
MR. AUCHINCLOSS: Okay. 5456

Q. Mr. LeMarque, were you ever asked by Mr. Jackson to go out and buy toys as gifts for these children?
A. Yes.
Q. On how many occasions?
A. I don't -- several times.
Q. Okay. And can you characterize the number of gifts that you would buy, the number of toys?
A. I would go to Toys-R-Us and pick out toys for boys of 10, 11 years old.
Q. Were you instructed to buy such toys?
A. No, but I figured that was what they were for, so --
Q. And when you brought these toys to Mr. Jackson, did you have any occasion to see him give these toys as gifts to the children?
A. Well, usually they were put into an area or a tabletop where the kids would come in, you know, tear the papers off and pick up the toys.
Q. Did you see Mr. Jackson give more toys to the boys than the other children?
A. Yeah, they were mainly toys for boys.
Q. Okay. When Mr. Jackson had these children as guests at Neverland, what type of hours would they keep, in terms of time that they were spending together?
A. Sometimes all day, all night.
Q. Was it uncommon for him to stay up all night 5457

with the children?
A. Yeah, it was very common.
Q. Where did the children sleep? And I'm talking specifically about the 10- or 11-year-old boys.
A. Mainly with Michael.
Q. Whereabouts?
A. I don't know, because we couldn't get into his apartment, so --
Q. But somewhere in his private --
A. In his quarters, yeah.
Q. -- quarters?
MR. MESEREAU: Objection; leading.
THE COURT: Well, actually he didn't finish the question. I'll strike the answer and have you rephrase the question.
Q. BY MR. AUCHINCLOSS: My question was, you said that mainly they would sleep with Michael, and I was asking if that was in his private quarters.
A. Yes.
Q. During the time that you were employed at Neverland, did you ever see Michael Jackson sleep with anyone other than children?
A. No.
MR. AUCHINCLOSS: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Mr. LeMarque, I show 5458

you People's Exhibit No. 721. Can you identify that for me, please?
A. Yes.
Q. Who is that in that photograph?
A. Macaulay Culkin.
Q. Did Macaulay Culkin visit Neverland while you were working there?
A. Yes.
Q. Was he a guest of Mr. Jackson's?
A. Yes.
Q. Did he spend the night there?
A. Yes.
Q. I show you two photographs which I've previously shown to counsel. The first one is People's Exhibit 800. Can you identify that for me, please?
A. Yes, this is the arcade.
Q. Okay. And is that a fair representation of the floor plan of the arcade when you were working there?
A. Yeah.
Q. Are there some differences in terms of the items that are in this picture --
A. Yes.
Q. -- than the items that were in the arcade back when you worked there?
A. Yes.
Q. What would that be? 5459

A. Some of the artifacts here were not there.
And some of the games have been changed. I mean,
they were different, a little bit different.
Q. But the floor plan is essentially the same?
A. The floor plan is the same, yeah.
Q. I show you People's Exhibit 801. Same
question. Can you identify that for me?
A. That's the arcade also. Different angle.
Q. And same distinctions?
A. Yeah. Some of the artifacts have been
changed and so forth. The pool table was there.
And some of the toy -- the games are different.
MR. AUCHINCLOSS: Okay. Ask that People's
800 and 801 be admitted.
MR. MESEREAU: No objection.
THE COURT: Admitted.
Q. BY MR. AUCHINCLOSS: Mr. LeMarque, at some
time during your employment, did you see something
involving Mr. Jackson and one of these boys that
upset you?
A. Yes.
Q. Do you know the name of that boy?
A. Macaulay Culkin.
Q. And how long had you worked at Neverland
when this incident occurred?
A. Well, I'm not too sure there. I mean, six,
seven months maybe.
Q. Okay. Where did this incident occur? 5460

A. In the arcade.
Q. What was the approximate time of it?
A. Three o'clock in the morning. 3:00 or 4:00 or something. 3:30, maybe.
Q. What was it that you brought you to the -- the arcade is the photos that I just showed you?
A. Yeah.
Q. What was it that brought you to the arcade at approximately three o'clock in the morning?
A. Well, I was called by the security that Michael wanted some french fries.
Q. Okay.
A. So --
Q. Were you asleep at the time?
A. Yeah.
Q. Was that uncommon for you to get a food order in the middle of the night?
A. It happened a few times. Not too often.
Q. Okay. Was this a telephone call that you received?
A. Was the -- yeah, I mean, we had the -- one of those remote control, I mean, phones.
Q. Okay. Intercom, or --
A. Yeah, on the radio.
Q. Radio?
A. Yeah, radio.
Q. And your instruction was to?
A. Well, yeah, at the time there was always a 5461

code for Michael. At the time it was “Silver Fox.”
So they said that, “Silver Fox want some french fries.”
Q. Okay.
A. Okay. So --
Q. And was there a location you were told to bring these french fries to?
A. Not right away. When they were ready, I just called security again to find out where to deliver the french fries, and I was told to go to the teepee area. Which Michael wasn’t there, so I called again, and they said that he probably was in the arcade.
Q. Okay. Where was your wife during this time?
A. She was sleeping, home.
Q. Okay. So she stayed in bed and you went down to the kitchen and made the french fries?
A. Right. That’s correct.
Q. And you said you first heard they were at the teepee. Did you go to the teepees?
A. Yeah.
Q. And those are teepees located on Neverland?
A. Yeah, they are. On the grounds.
Q. And no one was there?
A. No.
Q. When did you learn that they -- that you were to deliver the french fries to the arcade?
A. Well, at that time I called security and I 5462

said, “Michael is not there. Where is he?” And they told me that he was at the arcade.
Q. Did you go to the arcade?
A. Yes.
Q. What did you see when you went to the arcade?
A. Michael was playing with Macaulay Culkin at one of the games, which was a Thriller, the games.
Q. Thriller?
A. Yeah. And he was holding the kid because the kid was small, couldn’t reach the controls, so I guess he was holding him with two hands. The kids were up so they could use the controls of the game.
Q. And what did you see that upset you?
A. His left hand was inside the pants of the kid.
Q. All right. I want you to tell the jury specifically how his hands were configured on the boy’s body.
A. Well, his right hand was holding the kid maybe mid-waist, and the left hand was down into the pants.
Q. Okay. Now, what type of pants was Macaulay wearing?
A. I forgot what they were. They probably were shorts or something.
Q. Were his hands, as far as you could tell, on the inside or the outside of the shorts? 5463

A. They were inside.
Q. Were they coming in the shorts from the top or from the bottom?
A. From the bottom.
Q. Through one of the legs?
A. Bottom.
Q. Which hand was it that he was touching the boy with?
A. Left hand.
Q. When you saw this, what did you do?
A. I was shocked, and I almost dropped the french fries. And there was a game there, Tip-Top, and I backed out --
MR. MESEREAU: Objection. Move to strike; nonresponsive.
THE COURT: Denied.
Q. BY MR. AUCHINCLOSS: As far as the exact location of his hand, could you see where his hand was in the vicinity of Mr. Macaulay's person?
A. Well, it was in the -- you know, in the crotch area.
Q. The crotch area?
And you said they were playing this video game. Did this video game create any sound?
A. Yeah, there was plenty of sound everywhere. I mean, all the machines were on and playing music and making sounds.
Q. Do other machines, or did other machines in 5464

that video arcade make sounds even though they weren't being played at that time?
A. I think they were. I'm not recalling exactly, but it was very noisy.
Q. Okay.
A. Yeah. Everything was noisy there.
Q. And you said you almost dropped the french fries. What happened next?
A. Then I backed out, and --
Q. Backed out the door?
A. The door. Went outside, and I closed the door. And I realized that I still had to deliver the french fries, so then I opened the door. I made a lot of noise to make sure that Michael could hear me coming in. And I said, "Michael, your french fries are here." And he said, "Drop them on this." I forgot where it was, but probably on one of the machine tops.
Q. And did you leave?
A. Yes.
MR. AUCHINCLOSS: May I have the Elmo, Your Honor? "Input 4."
Q. All right. Mr. LeMarque, I'm showing you People's Exhibit No. 800, which you previously identified as a photograph of the arcade. Does this photograph depict in it anywhere the door that you entered that room?
A. Yeah. Yes. This one here. 5465

Q. Oh, you've got it. Very good. You're ahead of me.
Could you indicate again for me the area where it is?
A. I think it's around here somewhere. Or here, I'm sorry. I don't know. Can't see too well, that.
Q. Let me show you the photograph -- if I may approach -- just so you can get a better look at it.
A. I don't know. I think it's -- there's a lot of stuff in front of it. It's probably -- I'm not sure where it is. It's probably here.
Q. Okay.
A. Yeah.
Q. Right about there?
A. Yeah.
Q. All right. I'll show it....
Looking at the photograph a little closer, could you identify the area that appears to be the doorway?
A. Right here.
Q. Okay. Indicating in the very upper portion of the photograph just off center at the upper edge.
All right. So that's the door you entered in. And which direction was it that you were looking when you came in and you saw Mr. Jackson?
A. From here to here.
Q. Indicating from the left area of where the 5466

door is down to the --
A. Yeah.
Q. -- lower right-hand portion of the photograph?
A. Yeah. Here to here. Or here to here someplace.
Q. All right. I show you now People's Exhibit No. 801. Mr. LeMarque, does that show a different perspective --
A. Yes.
Q. -- of the same area?
A. Yes.
Q. Is that an approximate perspective of what you would have seen entering that door?
A. Yes.
Q. All right. So tell us, point out for us, if you would, the area where you saw Mr. Jackson and Macaulay Culkin.
A. Somewhere around there.
Q. All right.
A. Or maybe --
Q. Indicating --
A. Or maybe here.
Q. -- the video games just to the left of what appears to be an espresso machine.
A. This was not there.
Q. Yeah, the espresso machine was not there --
A. No. 5467

Q. -- on the pool table?
A. No. Either this. This wasn't there.
Q. All right.
MR. AUCHINCLOSS: I think we can have the lights.
Q. Mr. LeMarque, did you ever tell this story -- or let me back up.
After you left Neverland, or at any time during close in time to the period that you saw these events, this event you just described, did you ever report it to any authorities, the police?
A. No.
Q. Why not?
A. Because nobody would have ever believed us.
Q. And why do you say that?
A. Because Michael was on the top of everything, and if we had come and said to the police, they would have said, "What kind of proof do you have?" So we couldn't -- I mean, this wasn't possible. It would be impossible to give.
Q. Did you ever consult an attorney or any other person that might have some background in the law as to what you should do?
A. Yes, and they told us the same thing.
Q. At some time after this event occurred, did -- were you ever approached by any tabloids?
A. Yes. Many.
Q. And did you ever sell this story to a 5468

tabloid?
A. We talked about it. And we had even some guy trying to sell the story for us, some sleazy guy that tried to make a deal with the tabloid. But at the last minute, we never took in a penny from anyone, because it was against our principles.
Q. This sleazy guy that you're talking about, I'm not going to ask you to mention his name, but do you know if he ever profited from your story?
A. Yes, he did.
Q. Why do you say that?
A. Because we had an interview with him and our lawyer, Arnold Kessler, and he taped the conversation while it was a private conversation of the lawyer.
Q. Okay.
A. And he sold the story to the tabloid and he made some money with that story.
Q. Were you tempted yourself to sell your story to the tabloid?
A. Yes, we were tempted for the money, for sure. Everybody would be tempted. But we never did.
Q. Did you ultimately tell this story to the police?
A. Yes, we did.
Q. They came and interviewed you?
A. Yes. 5469

Q. Were you honest with them?
A. Yeah.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. LeMarque, my name is Tom Mesereau and I speak for Mr. Jackson.
You signed a statement in September of 1993 about what you had seen, right?
A. If I signed a statement, I forgot when was that, if I sign a statement.
Q. Do you remember hand-writing a statement about what you claimed you had seen --
A. I don't remember that.
Q. -- Mr. Jackson doing with Mr. Culkin?
Remember saying, "I could not distinguish what he was really doing with his hand," but you thought it was more than fondling?
A. I don't remember that at all.
Q. Would it refresh your recollection if I just show you a copy of the statement?
A. (Nods head up and down.)
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes. 5470

THE WITNESS: I guess it's correct.
Q. BY MR. MESEREAU: Is that your handwriting?
A. Yeah.
Q. Is that your signature?
A. Yeah.
Q. The date is September 10th, 1993, correct?
A. Correct.
Q. Do you remember saying you couldn't distinguish what he was really doing with his hand?
A. I don't recall that. But if it's written, that's --
Q. It's what you wrote, isn't it?
A. I guess.
Q. Well, is it your writing or not?
A. Yes, it is.
Q. Okay. And you wrote those words, did you not?
A. I guess I did, but I don't recall.
Q. Okay. Now, you worked at the Neverland Ranch for how long?
A. Maybe ten months.
Q. Did you ever sue Mr. Jackson?
A. No. Not for -- we did sue for money he owed us, because Norma Stakos was supposed to pay us overtime, and she never did. And she was supposed to give us some references, good references for other job, and whenever we apply for a job, she never give the references and she never sent us the 5471

1 money. So at that time we sued for the money that
2 was owed to us as overtime.
3 Q. Excuse me, I'm sorry. Did you finish?
4 A. Yeah.
5 Q. Where did you file your lawsuit against Mr.
6 Jackson?
7 A. Santa Barbara court, I think.
8 Q. Did you hire a lawyer in Santa Barbara to do
9 that?
10 A. Yes.
11 Q. What was the lawyer's name?
12 A. Forgot.
13 Q. How long did the lawsuit go on?
14 A. It didn't go on for very long.
15 Q. It settled fairly quickly, did it not?
16 A. Yes.
17 Q. You got money --
18 A. Yes.
19 Q. -- from Mr. Jackson, true?
20 A. We got money for time -- overtime due to us,
21 the time we worked there.
22 Q. You wanted more than that, didn't you?
23 A. No.
24 Q. Now, you mentioned a sleazy guy was
25 representing you, right?
26 A. Yeah.
27 Q. His name was?
28 A. He didn't represent us. He never 5472

represented us.
Q. You had meetings with him?
A. He was a friend, supposedly a friend.
Q. You had meetings with him, correct?
A. Yes, we did.
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
Q. BY MR. MESEREAU: His name was Paul Baressi, correct?
A. That's correct.
Q. How did you meet Paul Baressi?
A. It was an old friend that Stella met years ago.
Q. And Stella is who?
A. My wife.
Q. Do you know how she met Paul Baressi?
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many times did you meet with Paul Baressi?
A. I can't recall. Several times.
Q. And Paul Baressi was in the adult film business, right?
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Sustained.
MR. AUCHINCLOSS: The Court's order.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You said he was sleazy. 5473

Why did you say that to the jury?
A. Because he taped our conversation without our own knowledge while we had a conversation with our own private lawyer, and he sold that story to the tabloid.
Q. He was also trying to broker a deal for you with the tabloids, correct?
A. Well, that's what he said. "I can get you a deal," because he had a deal himself previously by telling stories about other people.
Q. But you had asked him to try and get a deal for you, hadn't you?
A. No, I didn't ask him. He came forwards.
Q. But you allowed him to do that, didn't you?
A. Well, we didn't allow him. We said, "Okay, we'll listen to it," because we were tempted by the money, for sure. Everybody would be tempted. But in the last minute, we didn't do it.
Q. When -- excuse me. You didn't do it because you found out he had already sold the story and taken the money himself, right?
A. At that time he didn't do that. He didn't sell the story yet.
Q. Let me just get this straight. You had discussions with Baressi, right?
A. Uh-huh.
Q. You had phone conversations with Baressi, right? 5474

A. Correct.
Q. You discussed a price you'd be willing to accept?
A. No, we didn't discuss price with him.
Q. Pardon me?
A. We didn't discuss price with him.
Q. At one point you discussed the possibility of getting $100,000 with him, didn't you?
A. That's what he said to us, he probably can get $100,000, so we say we are interested.
Q. You actually upped it to 500, didn't you?
A. I don't remember if that was the case, but we were playing the game with him to see how far he could go, because we knew by then he was such a sleazy guy we wanted to see how far he could go. Because we never did it. We never took a penny from anyone.
Q. You upped the price to 500 from $100,000 at one point?
A. Yeah, to see if we were going to do it.
Q. You couldn't get that kind of money, right?
A. I don't know. We never pursued it.
Q. Mr. Baressi, on your behalf, approached a number of newspapers --
A. He didn't work on our behalf, ever.
Q. Sir, I have to finish my question.
On your behalf, Paul Baressi approached various newspapers and television shows to try and 5475

get hundreds of thousands of dollars for you and your wife, right?
MR. AUCHINCLOSS: Objection; assumes facts not in evidence.
THE WITNESS: That's not true.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: Isn't that right?
A. That's not true. It's a complete lie. He was trying to get deals for him, not for us.
Q. Didn't you just tell the jury you were playing along with him to see how much you could get?
A. Well, at first, yeah, we were doing. But then we realized the guy was so sleazy, we were not going anywhere with him. So we backed out, and we said, "We are not game," and he kept going, doing it.
Q. Did you have a discussion with Paul Baressi where you said, "We don't want 100,000. We want 500,000"? Yes or no.
A. Yes.
Q. Do you remember having a discussion with Mr. Baressi where you learned the price would be higher if the story was Mr. Jackson's hand was in the clothes rather than outside?
A. That was his own made-up stories, not my story. 5476

Q. That statement was made in your discussion with Mr. Baressi, true?
A. I don't recall that, but I think he did it himself. That's what he said we could get if the hands went higher.
Q. Okay. Now, did you ever know anyone named Quindoy at Neverland?
MR. AUCHINCLOSS: Objection; beyond the scope.
MR. MESEREAU: It fits in with the cross-examination, Your Honor.
THE COURT: That's a good response.
(Laughter.)
MR. MESEREAU: I mean, it's the same --
THE COURT: "Fits in with what I'm doing."
Well, I don't know the answer. I'll allow the question and see how it fits.
Q. BY MR. MESEREAU: You and your wife worked at Neverland, right?
A. Correct.
Q. Did you ever know a couple named Quindoy that worked at Neverland?
A. No.
Q. Ever hear the name?
A. Yes.
Q. Had they worked before you?
A. Yes.
Q. You learned that the Quindoys were trying to 5477

sell a story to the media, right?
A. No, we never --
MR. AUCHINCLOSS: Objection. Relevance;
beyond the scope.
THE COURT: Overruled.
You may answer.
He did answer. The answer was, “Yes,” and
then -- I’m sorry, the answer was, “No, we never.”
Q. BY MR. MESEREAU: At one point you were
trying to sell your story before the Quindoys did,
correct?
A. No.
Q. Never talked about that with Mr. Baressi?
A. No.
Q. Who was the lawyer you retained when it came
to dealing with the media?
A. We had a friend, his name was Arnold --
geez. I’m sorry, I have a blank right now. I have
a blank with the name.
Q. Was his name Kessler?
A. Yes. That’s correct.
Q. Did he practice law in Los Angeles?
A. Correct.
Q. Did you meet with Mr. Kessler?
A. Yes, we did.
Q. He is not the lawyer that represented you in
your suit against Mr. Jackson, is he?
A. We didn’t have a suit against Mr. Jackson. 5478

We had a suit against the work, as far as work was concerned. We never sued Mr. Michael Jackson.
Q. You sued somebody.
A. We sued the MJ Corporation for overtime.
Q. That was Mr. Jackson's company.
A. That's the company, but that's not Mr. Jackson. We didn't sue him.
Q. It was Mr. Jackson's company that hired you, wasn't it?
A. Yes. For overtime.
Q. Okay. This was after you left your employment, true?
A. That's correct.
Q. Okay. You hired Attorney Kessler, correct?
A. No, we didn't hire him. He was a friend of ours. We ask him advice.
Q. You met with him a number of times about the possibility of selling a story to the media, true?
A. With Baressi.
Q. So Baressi was your friend, and Kessler was your friend, correct?
A. Yes, that's correct.
Q. And after you met with Kessler, he started calling around trying to sell your story, true?
A. I'm not sure what he was doing. I don't know. I never heard of it.
Q. Did you ever learn that he was doing anything to sell your story to anybody? 5479

A. I was -- I don't recall, but I think everybody was trying to sell our stories. Everybody else was trying to do that, so --
Q. And approximately what year was this?
A. I don't recall. '92 or something. I --
Q. When did you leave Neverland?
A. The year? I don't recall. '92, probably, at that time. Whatever. I'm not sure.
Q. In 1993, Baressi and Kessler were trying to sell your story, true?
A. I guess they were, but I was not aware of it.
Q. But you had many talks with the two of them about that?
A. Yeah, we did earlier. And then we stopped and they kept doing it. I don't know what they were doing. I couldn't keep track of them.
Q. Okay. When did you last talk to Kessler?
A. About that time. No, as a matter of fact, I talked to him two days ago because of what happened in the -- with what was going on, and I finally find his phone number, and I told him what was going on. And he was very upset about it.
Q. He's still your buddy, right?
A. No, we haven't talked since then.
Q. Did you talk to him about what you were going to say in court today?
A. No.

Q. Did you talk to him about this case?
A. Yeah, I said I was going to be on the stand.
Q. Okay. Did you call him or did he call you?
A. We called him.
Q. You and your wife?
A. My wife did.
Q. Okay. Were you on the conversation?
A. No.
Q. Was it just your wife that talked to him, as far as you know?
A. Yeah.
Q. Was she speaking on your behalf?
A. She was just telling him what was going on, that's all.
Q. Okay.
A. There was no behalf. There was just chat-chat.
Q. You knew that Mr. Kessler contacted The National Enquirer about your story, right?
A. No, I was not aware of that.
Q. You knew he contacted The Globe, right?
A. I was not aware of that either. We contacted them.
Q. You knew Inside Edition was contacted, correct?
A. Well, they contacted us directly also. So --
Q. How about Splash News Service? 5481

A. No.
Q. Okay. When did you last see Macaulay Culkin?
A. At that time. When I was working at the ranch.
Q. So you've never really asked him if he was abused, have you?
A. No.
Q. You've never heard his side, have you?
A. No.
Q. Have you ever learned any time that he denies this event?
MR. AUCHINCLOSS: Objection; assumes facts.
THE WITNESS: I --
THE COURT: Just a moment.
MR. AUCHINCLOSS: He said he's never had any conversation. And foundation. He said he's had no conversation with Mr. Macaulay.
THE COURT: The objection is sustained.
Q. BY MR. MESEREAU: Okay. Have you followed this case in the media?
A. I don't.
Q. You don't follow it at all?
A. I never watch T.V., barely.
Q. Have you followed this case in the newspaper?
A. I read the newspaper briefly, the highlights, the headlines and so on. But it doesn't 5482

1 interest me.
2 Q. When did you last talk to Mr. Baressi?
3 A. He called my wife two months ago.
4 Q. Did your wife talk to him?
5 A. She said, “Go to hell.”
6 Q. I’m not asking you what she said.
7 (Laughter.)
8 Q. BY MR. MESEREAU: All right. Okay. Do you
9 know -- are you aware of him still trying to sell
10 stories on this case?
11 A. Yeah, he’s still doing it.
12 Q. How do you know he’s still doing it?
13 A. Because it’s on the --
14 MR. AUCHINCLOSS: Objection. Foundation;
15 hearsay.
16 THE COURT: The objection is overruled.
17 The question was, “How do you know he’s
18 still doing it?”
19 THE WITNESS: Pardon me?
20 THE COURT: You may answer that question.
21 How do you --
22 THE WITNESS: I’m sorry, can you repeat
23 that?
24 Q. BY MR. MESEREAU: Yes. I’ll ask the
25 question again.
26 You told the jury Mr. Baressi is still
27 trying to sell stories, right?
28 A. Yes. 5483

1 Q. How do you know that?
2 A. My son send me a copy through the Internet
3 two days ago of what was in Splash.
4 MR. AUCHINCLOSS: Objection; hearsay.
5 THE COURT: Overruled. Next question.
6 Q. BY MR. MESEREAU: Have you met with any
7 prosecutor to talk about your testimony today,
8 before today?
9 A. Yes.
10 Q. Who did you meet with?
11 A. The prosecutor right here.
12 Q. And is that Mr. Auchincloss?
13 A. Uh-huh. That's correct.
14 Q. When did you meet with him?
15 A. When?
16 Q. Yes.
17 A. This morning.
18 Q. And where did you meet?
19 A. We meet in the witness room.
20 Q. Did he show you any documents?
21 A. Yes.
22 Q. What documents did he show you?
23 A. The documents that was shown here on the
24 screen.
25 Q. Now, are you aware of an article appearing
26 in The Globe newspaper on September 21st, 1993, that
27 quotes you?
28 A. No. I never saw it. 5484

Q. Never heard about it?
A. Never.
Q. Are you aware of that article quoting your wife?
A. No.
Q. Okay. So you never heard about that or looked at it, right?
A. No.
Q. Okay. No one ever told you about it, right?
A. No. My friends don't read that kind of newspapers.
Q. Okay. All right. Before you took the stand today, had you ever heard that you were quoted in an article about Michael Jackson in The Globe newspaper?
A. No.
Q. How many times have you been interviewed by anyone with the sheriff's department on this case?
A. Just one time in '93 or something.
Q. Just one time?
A. Yeah.
Q. Have you had many phone conversations with anybody from the sheriff's department about the case?
A. No, not that I recall.
Q. Has anyone ever called you on the phone from the prosecution to talk about the case?
A. No. Just to tell us that we are going to be 5485

in court. That's all.
Q. Now, when did you last talk to Norma Stakos?
A. The last day that we left the ranch,
Neverland.
Q. Did you sue her as well?
A. No.
Q. You just sued Mr. Jackson's company, right?
A. We sued Michael just for the overtime that
we -- were owed to us.
Q. That's over a seven-month period?
A. Seven months what? I'm sorry, after --
after we left in --
Q. Yes.
A. I guess. I don't recall.
Q. Did you say you hadn't been ever paid for
overtime while working at Neverland?
A. That's correct.
Q. All right. And was that over a seven-month
period or nine-month period? I can't remember.
A. Nine, ten, something like that.
Q. Okay. Had you ever made a claim for
overtime while you were working?
A. Yes, we did. We settled with Norma at the
time we left. She said she was going to give us
money for the overtime and give us good references.
And we sued when she didn't fill up the part that
she said she was going to do.
Q. You felt she was obligated to give you and 5486

your wife a good reference for another job?
A. Why not?
Q. What if she didn't think you were competent?
MR. AUCHINCLOSS: Objection; relevance.
THE WITNESS: She said she would do it. She said she was going to give us a good reference.
THE COURT: Just a moment. Just a moment. The objection is sustained.
Q. BY MR. MESEREAU: You felt that part of your agreement with Mr. Jackson's company was that if they were contacted by anyone and asked if you were someone you should work with, they had to give you a good recommendation; is that correct?
A. No.
Q. And you never called the police about what you claim Mr. Jackson did to Mr. Culkin, right?
A. That's correct.
Q. Now, you indicated you were asked to sign a document saying that a woman named Bianca looked inside someone's purse, right?
A. That's correct. I was not, myself. My wife was.
Q. That's Blanca Francia, right?
A. Yeah.
Q. Did you know her when she worked at Neverland?
A. Yes.
Q. Was she a friend of yours? 5487

A. We didn't have any friends. We couldn't have any friends at the ranch. It was forbidden to be friends with the help. Because everybody was spying on each other, so there was no way to be friends with anyone.
Q. The spying was because people were looking for stories to sell, right?
A. No, because I think that's --
MR. AUCHINCLOSS: Objection; argumentative.
THE WITNESS: That's not true.
MR. AUCHINCLOSS: I'll withdraw the objection.
(Laughter.)
Q. BY MR. MESEREAU: Are you saying it's your wife that saw Blanca Francia go into someone's purse?
A. She didn't see her doing it. That's why she didn't want to sign it.
Q. Okay. Did you ever talk to Blanca Francia about whether or not she did put her hand in someone's purse?
MR. AUCHINCLOSS: Objection; hearsay.
THE WITNESS: I never did myself.
THE COURT: I couldn't hear your objection, Counsel.
MR. AUCHINCLOSS: I'll withdraw it.
Q. BY MR. MESEREAU: Did you ever ask Blanca Francia if she ever did, in fact, go into someone's 5488

purse?
A. No, I never ask myself personally.
Q. Did you ever learn that she had admitted doing it?
MR. AUCHINCLOSS: Objection. Argumentative; assumes facts.
THE COURT: It's overruled.
You may answer.
THE WITNESS: I'm sorry. Say that again, please.
MR. MESEREAU: I'll withdraw the question and reask it.
Q. Did you ever learn that Blanca Francia admitted she had gone into someone's purse?
A. I never heard of anything like this, no.
Q. Okay. What hours did you work at Neverland?
A. There was no set hours. It was whenever Michael was in residence or whenever guests were present.
Q. And where did you live when you were working at Neverland?
A. At the ranch. I mean, at the Neverland itself, in a private house.
Q. Okay. Now, you told the jury that you went to a lawyer and told the lawyer about what you claim you saw in the arcade, right?
A. Correct.
Q. Was that while you were working at 5489

1 Neverland?
2 A. After we left.
3 Q. You didn't go to a lawyer right away to
4 discuss what you had seen, did you?
5 A. No.
6 Q. Do you know what this particular lawyer
7 specializes in?
8 A. General practice.
9 Q. Pardon me?
10 A. General practice.
11 Q. Okay. Had he represented you before?
12 A. No. He was just a friend.
13 Q. Had he given advice to you before?
14 A. No.
15 Q. How many meetings did you have with this
16 lawyer about what you claim you saw in the arcade?
17 A. I think only one time.
18 Q. You had phone conversations with him, did
19 you not?
20 A. Yes.
21 Q. You had phone conversations about the
22 possibility of selling a story, correct?
23 MR. AUCHINCLOSS: Objection. Cumulative;
24 asked and answered.
25 THE COURT: Sustained.
26 Q. BY MR. MESEREAU: Approximately when do you
27 claim you saw Mr. Jackson with Mr. Culkin in the
28 arcade? 5490

A. The time?
Q. Approximately, yes.
A. Maybe three o'clock, 3:00 a.m.
Q. No, let me rephrase it. It's my mistake.
Approximately what month and year do you
claim you saw this happen?
A. I don't recall.
Q. You continued to work at Neverland after you
saw what you claim you saw, right?
A. Yes.
Q. Was your wife working at Neverland as well?
A. Yes.
Q. You never reported this to anyone there
obviously, right?
A. No, we didn't.
Q. You never went to Miss Stakos and said, "I
saw something improper going on," right?
A. We didn't have to do that. She knew about
it.
Q. So she was with you watching it?
A. No.
Q. You said that Mr. Baressi tape-recorded you,
right?
A. That's correct.
Q. Do you know how many times he did that?
A. I have no idea.
Q. Did you ever inquire as to how many times
you had been secretly tape-recorded by him? 5491

A. No, I didn't.
Q. Did you ever ask him?
A. I didn't even know he did it until a few days ago.
Q. Who told you he did it?
A. Well, we heard about it from the news and all that, and this information came out, and so that's how we find out.
Q. I thought you didn't follow the news about the case.
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you have any idea how many times you've been quoted in any tabloid about Michael Jackson?
A. I have no idea.
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: The answer was, "I have no idea."
I'll allow the question.
Q. BY MR. MESEREAU: Would you agree that with time, your story about what you say Mr. Jackson did has changed?
A. I don't think so.
Q. When you wrote that handwritten statement that I showed you which had your signature and handwriting, were you being truthful?
A. I don't recall writing this at all, so I have no recollection of that. 5492

Q. But you did admit that is your handwriting and signature, true?
A. Looks like my handwriting.
Q. Is it your signature?
A. Yes.
Q. Isn't it true, Mr. LeMarque, that in 1993, you waited till you were out of personal bankruptcy to start selling the story?
A. My personal bankruptcy was about 18, 19, 20 years ago. Had nothing to do with this.
Q. Did you have any bankruptcy proceeding going on in the 1990s, sir?
A. No, sir.
Q. Okay. Never filed a document in that regard, right?
A. No.
Q. Never were involved in a Chapter 7 action?
A. I was. Twenty years ago.
MR. AUCHINCLOSS: I'm going to object as improper impeachment.
THE COURT: Sustained.
MR. MESEREAU: I have no further questions, Your Honor.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Just a few questions, Mr. LeMarque. The action that you had against Mr. Jackson 5493

for overtime when you left Neverland, did Norma Stakos promise to pay you for your past overtime?
A. She did.
Q. When you left Neverland, did she promise to make good references for you in the future?
A. She did.
Q. When you left Neverland, did you ever receive the overtime payment that you were due?
A. She never did.
Q. Did you go to the California Labor Board to dispute that?
A. Yes. That's where we went.
Q. Did you have to litigate it?
A. No, she settled right away.
Q. MJJ Productions settled right away?
A. Yeah.
Q. Did you get what you felt you were entitled to?
A. Yes. We had the proof that we had worked overtime, so I had account of all the time we work, so --
Q. And as far as Mr. Kessler, was he working for you? Did you ever have to pay him for helping you with this tabloid business?
A. He was a friend. We just asked advice, that's all.
Q. So he was just working as a lawyer friend for you? 5494

A. He was -- yeah.
Q. All right. I'm showing you People's Exhibit No. 802. Appears to be a copy of the handwritten note. Is that the note that counsel showed you a few moments ago?
A. Looks the same.
Q. Okay. I'd like you to read that over carefully. Take a moment. Just one page.
A. Okay.
Q. Okay? Does that represent a fair summation of the facts that you observed in the arcade during that period of time when you observed Macaulay Culkin and the defendant?
A. Yeah, that's basically what I saw.
MR. AUCHINCLOSS: Okay. I'd ask to move 802 into evidence at this time, Your Honor.
MR. MESEREAU: No objection.
THE COURT: It's admitted.
Q. BY MR. AUCHINCLOSS: And in that account, do you tell -- do you depict that Mr. Jackson's hand is in Mr. Culkin's shorts?
A. That's correct.
MR. AUCHINCLOSS: Thank you. I have no further questions.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. If you would -- 5495

Does he have the document?
MR. AUCHINCLOSS: Uh-huh.
Q. BY MR. MESEREAU: If you would, please take a look at that document and read it to yourself.
A. I did already.
Q. All right. Okay. Now, you made two statements: One on September 10th, 1993, and one on what looks to be -- well, I guess that would be -- you make a second statement in the form of a P.S., right? Is that made the same day; do you know?
A. Looks the same.
Q. You first -- there's a signature in the middle of the page. It says, "Phillip LeMarque, September 10th, 1993," correct?
A. Yeah.
Q. There's another signature towards the bottom of the page that says, "Phillip LeMarque, 9-10-93," correct?
A. Yeah.
Q. You first wrote a statement about what you saw and then you added a P.S., correct?
A. Yeah.
Q. Let's look at the statement that appears at the beginning, okay? You say that Mr. Jackson had his left hand in the kid's pants, right?
A. Correct.
Q. You say, "I couldn't distinguish what he was really doing with his hand, but obviously it was 5496

more than fondling," right?
A. Uh-huh.
Q. You then signed and dated that, true?
A. Correct.
MR. AUCHINCLOSS: I'm going to object if he's just reading part of the statement. I'd ask that the entire statement be read before the signature line.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You said up top the child was not disturbed by the action, right?
A. Correct.
Q. You said they were playing a game, correct?
A. Correct.
Q. You said the kid was very involved with the game, right?
A. Correct.
Q. You said that Michael Jackson was holding Macaulay while he was playing the game, correct?
A. Correct.
Q. After you signed and dated that statement, you then chose to add something else, correct?
A. Correct.
Q. And what you add was that "His left hand was in his pants under the shorts, left leg, all the way to the crotch," correct?
A. Correct.
Q. You added that to what you had said earlier 5497

after you had signed your name to what you had said
earlier, true?
A. Yeah.
Q. And when was this thing actually -- when was
this statement actually done; do you know?
A. At the same time. It was just an addendum.
Clarification.
Q. Why did you want an addendum to what you had
already written down and signed?
A. I forgot at the time why I did it. I don't
have any other recollection of that anyway.
Q. You did it because you wanted to sell a
story, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE WITNESS: Absolutely false.
MR. MESEREAU: I have no further questions.
THE COURT: Do you want to withdraw your
objection, or --
MR. AUCHINCLOSS: I think so. Sure, why
not?

FURTHER REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Was this document prepared for the police?
A. Yes.
Q. All right. And was it prepared after the
police interviewed you?
A. Well, it was prepared. I forgot exactly 5498

when, if it was at the same time or after. I have no recollection.
Q. But the police asked you to write out a statement?
A. A statement of what I saw.
Q. Okay. Do you recall if they asked you to put in the details, some more details as far as what you had told them?
A. As much as possible, yes. They wanted more details.
Q. Is that why the P.S. was added; do you know?
A. Yes.
MR. AUCHINCLOSS: All right. Thank you. Nothing further.

FURTHER RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Obviously this statement was written out after you talked to Mr. Baressi, true?
MR. AUCHINCLOSS: Objection; vague.
THE WITNESS: I don't think so.
MR. AUCHINCLOSS: I'll object as a vague question as far as time.
THE WITNESS: I don't think so. I'm not sure.
THE COURT: Just a moment. You have to wait until I rule.
Overruled. 5499

Now, read the question back to him.
Q. BY MR. MESEREAU: The statement was written --
THE COURT: No, the court reporter.
(Record read.)
THE WITNESS: It's probably after, yeah.
Q. BY MR. MESEREAU: Do you remember I asked you earlier about that statement, and you told the jury you didn't recall?
A. I have no recollection exactly, that's for sure. But now it's coming back, you know.
Q. It's coming back when the prosecutor suggested you wrote it for the police, correct?
A. No, it's coming back --
MR. AUCHINCLOSS: Objection; argumentative. Objection; argumentative.
THE COURT: All right. Just a moment. You need to wait until the question is completed before you answer.
THE WITNESS: Okay.
THE COURT: And just hold on a second so if someone wants to object, they can. And counsel needs to not step on his statements. The court reporter is struggling to keep the record straight. All right. There actually is -- the objection was made after he answered, so I'm going to overrule that objection. You may ask your next 5500

1 question.
2 MR. MESEREAU: Okay.
3 Q. You now recall that you wrote the statement
4 in September of 1993 in a police interview, right?
5 A. I'm starting to recall. See, I'm 70 years
6 old this year, and my memory is faltering.
7 Q. Okay. I understand. Have you now fully
8 recollected that you wrote this for the police?
9 A. It's coming back a little bit, and I think
10 that, yeah.
11 Q. Are you sure?
12 A. Yeah.
13 Q. Isn't it true you wrote out the statement,
14 you dated and signed it, and somebody wanted you to
15 add something else, so you put in an addendum, and
16 then signed and dated that the same day, right?
17 MR. AUCHINCLOSS: Objection; asked and
18 answered.
19 THE COURT: Overruled.
20 You may answer.
21 THE WITNESS: I don't recall very well when
22 I made this statement, when I wrote it, and I don't
23 recall why there was an addendum added to the
24 statement.
25 Q. BY MR. MESEREAU: Okay. And the statement
26 was written approximately how long after you left
27 Neverland?
28 A. Whenever the police came, which might be a 5501

1 year after or two years. I don't know.
2 Q. Well, the statement says September 10th,
3 1993 --
4 A. Okay. So --
5 Q. -- right?
6 And how long -- how much time had elapsed
7 between your leaving Neverland and September 10th,
8 1993, if you know?
9 A. Probably a year. A little more than a year.
10 Q. And how much time had elapsed between when
11 you saw what you claim you saw in the arcade and
12 September 10th, '93?
13 A. 14 months. 12, 14 months.
14 MR. MESEREAU: No further questions.
15 MR. AUCHINCLOSS: Nothing further.
16 THE COURT: All right. Thank you. You may
17 step down.
18 Call your next witness.
19 MR. SNEDDON: Your Honor, because of some of
20 the Court's rulings this morning, we have no further
21 witnesses at this time.
22 THE COURT: Are you trying to tell the jury
23 they have to go home early today?
24 MR. SNEDDON: Unfortunately, I am, Your
25 Honor. I apologize for that from the bottom of my
26 heart.
27 THE COURT: That's the bad news.
28 (Laughter.) 5502

THE COURT: You know, I have some photographs of the wildflowers that I took.
(Laughter.)
THE COURT: All right. I can tell you're not interested.
We'll release you early today. It's -- I think it's been a pretty intense week. It doesn't hurt to get a little time off here.
Let me just remind you of the seriousness of your conduct and the admonitions that I've made. The admonitions are that you can't talk to anybody about this case, including each other, your family members, or anybody. You certainly can't go to anyplace where the events that you hear about testified to occurred or are alleged to have occurred. You are not to listen to or read news accounts or watch T.V. concerning the case.
And, you know, I don't think I should need to remind you of this, but I will, just so that I have a clean conscience. Everybody is watching you, you know. Your behavior, just as my own behavior, is under scrutiny, just as these attorneys' behavior. Everything that happens is reported one way or another. So please be very serious about the responsibility that you've been given here.
And having that in mind, I would like you to go out and look at the wildflowers.
(Laughter.) 5503

THE COURT: Thank you.
And I'm going to stay with the attorneys.
There's a couple of issues that we need to take up,
but you're free to go. See you Monday at 8:30. And
remember, Tuesday afternoon you'll be off, too.

(The following proceedings were held in
open court outside the presence and hearing of the
jury:)

MR. MESEREAU: Your Honor, can Mr. Jackson
depart, or is he --
THE COURT: Listen, the audience may leave if
they want to. The Court is going to take up a
couple of motions that have been pending. But
anyone in the audience that would like to leave at
this time, feel free to do that.
Mr. Jackson, if you would like to leave at
this time, you may do so.
THE DEFENDANT: Thank you.
MR. SANGER: Thank you, Your Honor.
MR. MESEREAU: Thank you.
THE DEFENDANT: Thank you.
THE COURT: All right. During the last week
or so, there have been some motions that have been
pending. We have -- the first one is defendant's
motion for a mistrial, or, in the alternative,
restrictive instructions. I've read and considered 5504

the points and authorities.
Do you wish to be heard?
MR. SANGER: Just briefly, Your Honor.
THE COURT: Now, just because you haven't said anything all week -- go ahead. I know it's just been building up and --
MR. SANGER: I'll try to behave myself, Your Honor.
THE COURT: All right.
MR. SANGER: The serious matter is, and we did brief it, but it was very brief, because it was an overnight, sort of a pocket thing.
THE COURT: Very good brief.
MR. SANGER: The briefer the better, I gather.
The point being, though, that the lawyers have to exercise control over the witnesses. They have to admonish the witnesses properly.
It is true a witness can do something contrary to the admonitions. This just happened to be a series of witnesses who all seemed to have done the same thing with each other, which is call each other either before or after their testimony.
And there were two particularly egregious instances of witnesses calling immediately after their testimony was over to discuss their testimony with the upcoming witness, and that was Miss Palanker calling Mr. Masada, and then Dr. Katz 5505

calling Mr. Feldman.
And that seemed to be such an egregious
breach -- there had already been notice of this with
the witnesses talking to each other, Dickerman and
Katz, and -- I'm sorry, Palanker and Masada, and by
the time we got to Dr. Katz calling Mr. Feldman, it
seem to me that that was just too much. And anybody
who's managing these witnesses and preparing them to
come in here should have had a very large shot fired
over their bow by virtue of this conduct and should
have admonished their witnesses.
So I feel that it does taint their testimony
when you have two people who are critical witnesses,
according to the prosecution, like Dr. Katz and Mr.
Feldman, for instance, who are talking about
testimony that very seriously impairs the integrity
of the process that the Court is trying to preserve.
And therefore, we feel that a mistrial is the only
appropriate remedy.
How can the jury otherwise consider this
evidence as it should have been presented without
being tainted by other witnesses?
If the Court were to deny that, then we did
propose a curative instruction, and we would ask the
Court to take that action at the very least.
Thank you.
THE COURT: Who's speaking on behalf of the
D.A.? 5506

MR. SNEDDON: Judge, we filed a response in written form, and I don't intend to go through it. It's in there. And I'll simply point out that unfortunately if Mr. Sanger -- there is nothing in this record that shows that they were talking about their testimony in this case.

And particularly in the case of Mrs. Palanker talking to Jamie Masada, it wasn't the subject of the testimony that was the subject of the conversation. It was the subject of the behavior of the lawyer that was cross-examining her.

And I'd submit to the Court there is nothing improper about what these witnesses have done, nor showing that they discussed their testimony. Some of the conversations, the one involved a request from one lawyer to the other as to knowledge of whether or not there had been an attorney-client waiver and that was post-testimonial. It was an after-the-fact. And it seems to me that certainly one lawyer has a right, when they're both involved in a case, to find out whether there was a waiver or not.

I'll submit it on the basis of the other information that we provided to the Court from the transcripts and the authorities.

THE COURT: The motion for mistrial is denied.

The record is clear that there has been some 5507

conversation between witnesses. And I've asked counsel, both sides, to admonish their witnesses that -- before and after their testimony, unless they're excused, that they are not to discuss -- well, what I've admonished is that they are bound by the protective order before their testimony and after, unless they're excused.

I don't -- in looking at the record, I don't see evidence that they violated the protective order. That exists -- the lack of that evidence is that neither side pursued it with any detail as to what the discussions were. But I don't think that would prevent the defense from commenting in their argument, if they wanted to, about the fact that they had been discussing their testimony with each other.

And whether or not I'll give a special instruction on that I'll put off until we decide all of our instructions. I'm not leaning in the direction of giving a special instruction in view of the lack of evidence that there was specific conversations about their testimony, but I also am not willing to say I won't give that, and we still have a long way to go in this trial and a lot of witnesses in front of us.

So I'll take that issue up on a discussion, Mr. Sanger, on the -- on whatever -- you may submit the same or different instructions when you submit 5508

your final instructions.
And that will be my ruling on that.
The next item would be the D.A.'s request
for mandatory judicial notice of statutes.
MR. AUCHINCLOSS: There's a discussion as to
whether or not counsel is prepared on this.
MR. SANGER: Hold on. You don't need to --
unless we're addressing the Court, we don't need to
have that....
THE COURT: You know, I can just cut this
short.
MR. AUCHINCLOSS: That's fine.
THE COURT: I don't think I'm going to give
any instruction on this at this time. Whether or
not I'll give it in the final group of instructions
will depend on our discussions at that time.
MR. AUCHINCLOSS: Okay. I guess our request
is just based upon the fact that there has been
numerous questions asked and numerous answers given
concerning these areas of the law, and I do think
it's important that the jury does ultimately
understand the letter of the law, particularly with
regard to the recording, the surreptitious
recording of conversations, and that it is legal for
police officers to surreptitiously record
conversations.
So I don't mind addressing that when we get
into instructions, but we will be making that same 5509

motion at that time.
THE COURT: You may submit those. I don't think it's a time to give special instructions on that. I do give some instructions as we go along. I don't think these are ones that I would give at this time.
And Mr. Sanger, that's, I assume, satisfactory with you?
MR. SANGER: Yes, Your Honor.
THE COURT: The motion to prohibit testimony of 1108 witnesses for failure to comply with Penal Code Section 1054.7, do you wish to address that?
MR. SANGER: Well, I think the Court is taking this up now one at a time.
THE COURT: I am.
MR. SANGER: And so as long as the Court is cognizant of that, I don't think we need a ruling right now. But we are confronted with a number of witnesses for whom we have not received reports until the very last second, and it's causing a problem. It's caused a problem today.
THE COURT: All right. The next one is the objection to admission of 1108 and 1101 evidence. And I feel that was adequately argued back when we were arguing about whether or not I would allow the 1108 and 1101 evidence, and I don't see that any new issues have been raised there, so I'll deny that objection. It's made a matter of the record, which 5510

is what I think you intended there.
In my counting of all the things that were pending that are still out there, that would only leave one thing that's still out there that hasn't been dealt with, which was the supplemental declaration that I'd asked for from Miss Yu, which she provided me with, I'm sure she provided you with. This is a matter of statutorily sealed declarations. And I still have -- I'm still dealing with that. I'm not prepared to hear anything further on it. And I'm not prepared to make any rulings on it. That's not something I've had time to deal with, but I just wanted everyone to know that I know that's still out there.
And then I was going to ask you if there is anything else that I don't have on my list.
MR. SNEDDON: Judge, the only thing that I have -- well, the only thing I have is if I could ask the Court, do we have some kind of an update with regard to the computers, the Brad Miller computer and the Evvy Tavasci computer? And I say that to the Court because I'm estimating that we're getting -- not close, but I can see the light at the end of the tunnel with regard to us resting our case, and we'd certainly like to have access to that information before we do.
THE COURT: December or January, something like that? 5511

MR. SNEDDON: I think the light's a little bit brighter than that, Judge.
THE COURT: Okay. I wish -- you know, the person who's been helping me with that has been Jed, and he doesn't -- I have not been updated, so I can't update you.
Does counsel have any information?
MR. SANGER: The information that we have is that as of, I would say, weeks ago, if not a month ago - that's off the top of my head - but I believe we provided everything we were requested to provide maybe two months ago. And I think what happened next is he was making additional inquiries based on the particular narrowing of the request by the District Attorney, but I have not heard anything further.
THE COURT: Do you know what --
MR. SNEDDON: Judge, I have a little different recollection.
THE COURT: Okay.
MR. SNEDDON: It's not different, it's just maybe updated. As I recall the last time that we talked, they had actually done the -- Mr. Roden had actually gone through, I believe it was - I may be confused about this - one of them. He had gone through and actually sorted out what the various types that he thought may or may not be privileged and that those were going to be submitted to the 5512

Court. And that he was in the process of doing that to the other computer.
I don't really need an update today, but if maybe on Monday we could have Mr. Beebe here and get an update with regard to where we stand on that process, that would be helpful, probably, to both sides.
THE COURT: We'll do that.
MR. SNEDDON: That would be fine with me. I just wanted to keep it on the radar screen for you, Your Honor.
THE COURT: I'll ask him about that today, and no later than Monday we'll address it.
MR. SNEDDON: Thank you.
THE COURT: All right. Yes?
MR. ZONEN: The Court has four different SDT returns in the Court's possession from Talk America, from Varig Airlines, from Von's, and from Santa Ynez High School. I've consulted with Mr. Mesereau and Mr. Sanger. We are going to agree that those materials turned over to the Court in obedience with those subpoenas can be turned over to the District Attorney's Office. And we will make copies for both of us and immediately return it to the Court.
THE COURT: Is that your agreement?
MR. SANGER: Yes, Your Honor.
THE COURT: All right. I'll approve that agreement, and you may collect those items. 5513

MR. ZONEN: Thank you very much.
THE COURT: Thank you.
All right. Then anything else?
MR. OXMAN: Your Honor, there's also some
SDT returns from the defense.
THE BAILIFF: Can't hear you.
MR. OXMAN: There's some SDT returns from
the defense. Just like permission to copy them.
THE COURT: They are subpoenas that come
within the area that only you are allowed to see?
MR. OXMAN: Correct, Your Honor.
THE COURT: All right. Had you sought
permission to copy them? Is there a problem, or --
MR. OXMAN: No, I don't think there's any
problem. Just wanted to clarify it and make sure.
THE COURT: Okay. Thank you.
MR. OXMAN: All right.
MR. ZONEN: We'll agree that our copy can be
turned over to us under seal.
MR. OXMAN: We'll remain silent, Your Honor.
THE COURT: Court's in recess.
(The proceedings adjourned at 11:25 a.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 5451 through 5514 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 8, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 8, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304